

## **Town Board Minutes**

January 19, 2010

Meeting No. 4

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19th day of January 2010 at 8:00 P.M. and there were

**PRESENT:** JOHN ABRAHAM , COUNCIL MEMBER  
MARK AQUINO, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
JOHN DUDZIAK, TOWN ATTORNEY  
JEFFREY SIMME, CODE ENFORCEMENT OFFICER  
GARY STOLDT, CHIEF OF POLICE  
DAVID MARRANO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF  
DANIEL AMATURA, HIGHWAY SUPERINTENDENT  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

### **PERSONS ADDRESSING TOWN BOARD:**

**Beutler, Daniel**, spoke to the Town Board on the following matter:

- Renovation of 3949 Walden Avenue property (Public Safety Building)

**Chowanec, Lee**, spoke to the Town Board on the following matter:

- Renovation of 3949 Walden Avenue property (Public Safety Building)

**Fronczak, Mike**, spoke to the Town Board on the following matters:

- Renovation of 3949 Walden Avenue property (Public Safety Building)
- Plumbing at Town Hall Addition

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held January 4, 2010 and the Regular Meeting of the Town Board held January 4, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, there is a vacancy in the Office of Planning Board Member of the Town of Lancaster due to the resignation and expiration of the term of John Gober, and

**WHEREAS**, there is a vacancy in the Office of Zoning Board of Appeals Member of the Town of Lancaster due to the resignation of Mark Aquino.

**NOW, THEREFORE, BE IT  
RESOLVED**, as follows:

- 1. That Kristin Keane, Depew (Town of Lancaster), New York be and is hereby appointed to the position of member of the Planning Board of the Town of Lancaster for the term of 1/20/2010 to 12/31/16.
- 2. That Darlene Humphrey, Lancaster, New York be and is hereby appointed to the position of Member of the Zoning Board of Appeals of the Town of Lancaster for the term of 1/20/2010 to 12/31/12.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AQUINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS,** the developer has requested the Town Board of the Town of Lancaster accept a completed Public Improvement within Windsor Ridge South Subdivision, Phase I(b) within the Town of Lancaster, and

**WHEREAS,** the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS,** the Town Attorney, by letter to the Town Clerk dated January 8, 2010 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of this public improvement,

**NOW, THEREFORE, BE IT**

**RESOLVED,** that the following completed Public Improvement within Windsor Ridge South Subdivision Phase I(b), be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 652 - Sidewalks

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

File: RPIP (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the developer has applied to the Town Board of the Town of Lancaster for a permit to accept a completed Public Improvement within Roseland Subdivision Phase II within the Town of Lancaster, and

**WHEREAS**, the Town Engineer has inspected the improvement and has recommended the approval thereof, and

**WHEREAS**, the Town Attorney, by letter to the Town Clerk dated January 4, 2010 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of this public improvement,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following completed Public Improvement within Roseland Subdivision Phase II, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 662 - Street Lights

**BE IT FURTHER**

**RESOLVED**, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

File: RPIP (P5)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore annually authorized the administration of a Tree Planting Program for the purpose of beautifying the rights-of-way of public highways and streets of the Town of Lancaster by furnishing shade trees, and

**WHEREAS**, funds have been provided in the current 2010 General Town Budget for the 2010 Tree Planting Program, and

**WHEREAS**, the Tree Planting Committee of the Town Board has reviewed the Town of Lancaster's Tree Planting Program and recommends the planting of certain species of trees on certain streets in accordance with the official Tree Planting Master Plan of the Town of Lancaster and specifications on file in the Town Clerk's Office in the Town Hall, Lancaster, New York,

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That sealed bids be received by the Town Clerk up to 10:00 A.M., Local Time, on February 5, 2010 for meeting the requirements of the Town of Lancaster's 2010 Tree Planting Program and for supplying trees in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to have a Notice to Bidders and Nurserymen published in the Lancaster Bee, and to have said Notice posted as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

FILE: BID\RTREES (P1)

**LEGAL NOTICE**

**TOWN OF LANCASTER  
NOTICE TO BIDDERS  
OR NURSERYMEN**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk or her designee up to 10:00 A.M., Local Time, on February 5, 2010 at her office in the Town Hall, 21 Central Avenue, Lancaster, New York for meeting the requirements of the Town of Lancaster's Tree Planting Program for the year 2010 in accordance with specifications on file in the Town Clerk's Office.

Each proposal must be accompanied by a check payable to the Town of Lancaster or a bid bond, having as surety thereon a surety company acceptable to the Town Attorney, in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) conditioned that, if the proposal is accepted, the bidder will enter into a contract for the same and that the bidder will execute any such further security as may be required for the faithful performance of the contract.

The Town Board of the Town of Lancaster reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN**  
Town Clerk  
January 19, 2010

File: RBOTREES (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS,** due to a clerical error, Amy Pawlowski was not appointed to the position of Court Justice Clerk at the Town Board Meeting of January 4, 2010.

**NOW THEREFORE BE IT**

**RESOLVED,** that Amy Pawlowski be appointed to the position of Court Justice Clerk.

**BE IT FURTHER**

**RESOLVED** that this appointment is effective January 1, 2010 and so appointed shall serve at the will of the Town Board unless otherwise specified by law, and shall be paid consistent with the applicable Schedule of Salaries adopted by the Town Board for the 2010 calendar year.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Town of Lancaster seeks grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to retain a consultant to conduct a Needs Assessment to determine how best to organize and access various record series in the Town’s Highway Department;

**NOW, THEREFORE BE IT**

**RESOLVED**, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Education Department State Archives for the purpose of securing this grant, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Town Line Volunteer Fire Department, Inc., by letter dated December 28, 2009, has requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individual:

**ADDITION:**

Kenneth Benson  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled “VEHICLES AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 40 OF THE CODE OF THE TOWN OF LANCASTER”,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 1<sup>st</sup> day of February, 2010, at 8:30 o’clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published pursuant to Town Law in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE**  
**TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**  
**DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 19<sup>th</sup> day of January, 2010, the said Town Board will hold a Public Hearing on the 1<sup>st</sup> day of February, 2010, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**ARTICLE IX - Speed Regulations**

**§46-9. Maximum speed limits.**

C. A speed limit of 45 miles per hour shall be posted on the following designated highways:

.....

(19) Erie Street, for eastbound and westbound traffic between Pavement Road and its terminus at Townline Road.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN**  
**Town Clerk**  
January 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, §1660 (18) Vehicle and Traffic Law permits the Town to designate the location of stop signs and no-passing zones affecting Town roads outside of the Villages of Lancaster and Depew, and

**WHEREAS**, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled, “VEHICLE AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 46 OF THE CODE OF THE TOWN OF LANCASTER”,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 1<sup>st</sup> day of February 2010, at 8:30 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published pursuant to Town Law, in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

**LEGAL NOTICE**  
**PUBLIC HEARING**  
**AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE**  
**TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**  
**DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 19<sup>th</sup> day of January, 2010, the said Town Board will hold a Public Hearing on the 1<sup>st</sup> day of February, 2010, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION  
STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding  
thereto the following:**

**ROSELAND SUBDIVISION PHASE II**

		SIGN
<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	<u>LOCATION</u>
Rose Street	Rose Street	N. E. Corner of Circle
Rose Street	Rose Street	N.W. Corner of Circle
Rose Street	Rose Street	S. E. Corner of Circle
St. Anthony Street	Rose Street	N. E. Corner
St. Anthony Street	Rose Street	S.W. Corner

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**By: JOHANNA M. COLEMAN**  
**Town Clerk**  
January 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, a vacancy will exist in the Town Clerk’s office in the position of Deputy Town Clerk due to the retirement of Mary Ann Perrello on January 30, 2010, and

**WHEREAS**, the Town Clerk of the Town of Lancaster, by letter dated January 6, 2010, has requested the appointment of Suzanne M. Blank to fill the position of Deputy Town Clerk.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Suzanne M. Blank be and is hereby appointed to the position of Deputy Town Clerk in the Town Clerk’s Office effective January 20, 2010, at the 2010 annual salary of \$51,871.00.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS**, the Twin District Volunteer Fire Company, Inc., by letter dated November 12, 2009 has requested the addition of a member to the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Twin District Volunteer Fire Company the following individual:

**ADDITION:**

Christian K. Reed  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

File: RFIRE (P4)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AQUINO, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau of the Town of Lancaster, by letter dated January 11, 2010, has requested the appointment of members to the Youth Board of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the following individuals are hereby appointed members of the Town of Lancaster Youth Board for the period January 1, 2010 to May 31, 2011:

\_\_\_\_\_ Rev. Tom LeBeau  
Lancaster, New York

\_\_\_\_\_ Jason Maybach  
Bowmansville, New York

Hannah Santoro  
Lancaster, New York

\_\_\_\_\_ Marisa Vero  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**WHEREAS, Bella Vista Group**, 6495 Transit Road, Bowmansville, New York 14026, in conjunction with **Transit French Associates** has petitioned the Town Board of the Town of Lancaster for the rezone of certain property on 4779 and 4783 Transit Road, in the said Town from General Business (GB) and Residential District One (R-1) to, Multi-Family Residential District 4 (MFR-4) and

**WHEREAS**, the Petition has been referred to the Planning Board of the Town of Lancaster for review and no recommendation was made, and

**WHEREAS**, a Public Hearing on the petition for the proposed rezone was held by the Town Board of the Town of Lancaster on the 14<sup>th</sup> day of September, 2009, pursuant to Notices duly published and posted, and

**WHEREAS**, full opportunity to be heard was given to all parties in interest, and

**WHEREAS**, for the following review of the Petition and report of the Erie County Department of Planning, and the evidence adduced at said public hearing and the Master Plan and Zoning Map of the Town of Lancaster, includes, but is not limited to the following facts:

- 1. The multi-family use is encroaching on single family residential neighborhood to the east.
- 2. The rezone is a benefit to the developer rather than the Town due to adequate senior housing already existing and planned within the Town.
- 3. No direct access to development, access is through parking lot of Tops Markets. This entry, through a commercial area, renders this a less attractive dwelling site for seniors who must negotiate through a crowded parking lot to access their apartments. Also, the truck loading and unloading dock for Tops Markets is located near the entrance to this property causing the potential mingling of auto traffic with tractor trailers backing into Tops Markets
- 4. North Access route is too small for both auto and truck traffic.
- 5. The actual building site is too small for the development desired. The existing detention basin for Tops Markets must be rezoned for the sole purpose of meeting minimum space required for this building.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that based upon the testimony and evidence presented at the Public Hearing and based upon the foregoing reasons, the Petition of **Bella Vista Group** be and hereby is denied.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 11879 to Claim No. 12127 Inclusive  
Total amount hereby authorized to be paid: \$389,179.06

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
- (CSW) = Conditional sidewalk waiver
- (V/L) = Village of Lancaster

**PREVIOUSLY TABLED PERMITS:**

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

**NEW PERMITS:**

17639	Essex Homes	8 Tranquility Trl	Er. Dwlg.-Sin.
17640	Marrano/Marc Equity	20 Carlisle St	Er. Dwlg.-Sin.
17641	Natale Building Corp	19 Nicholas Ln	Er. Dwlg.-Sin.
17642	Wagner, Roger	5 Partridge Walk	Er. Res. Alt.
17643	Forbes Homes	45 Wainwright Ct	Er. Dwlg.-Sin.
17644	Comfort Window & Door	37 Stone Hedge Dr	Repl. Door

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

**SUSPENDED RESOLUTIONS:**

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, a suspension was granted.

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER ABRAHAM, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Supervising Code Enforcement Officer has received information that the building located at 265 Erie Street in the Town of Lancaster, has become dangerous, unfit and unsafe to the general public; and

**WHEREAS**, the Supervising Code Enforcement Officer posted a thirty (30) day notice on said property on December 1, 2009; and

**WHEREAS**, pursuant to Town Code §44-1C repair or removal of said building shall commence within a period of thirty (30) days from the date of said notice; and

**WHEREAS**, a hearing was held by the Town Board of the Town of Lancaster on December 21, 2009 to elicit from the owner comments relative to the repair or demolition and removal of said building; and

**WHEREAS**, due process was completed to locate any interested persons.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to enter into an agreement with S & A Debris Removal LLC, 171 Schwartz Road, Lancaster, New York 14086 to commence demolition of said property located at 265 Erie Street in the Town of Lancaster at a cost of \$4,700 which shall be attached to said property and/or tax roll.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

rdemolish265ErieSt110

**SUSPENSION GRANTED**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER ABRAHAM, TO WIT:

**RESOLVED**, that the Town Board of the Town of Lancaster hereby affirms the termination of employment of Police Officer Andrew T. Gill effective at 5:00 P.M. on January 13, 2010 pursuant to Police Officer Gill's letter of resignation from employment dated January 13, 2010.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 19, 2010

## COMMUNICATIONS & REPORTS

20. Town Clerk to Town Board -  
Request appointment of Diane Terranova to Clerk Typist, full-time. DISPOSITION = Received & Filed
21. Mary Ann Perrello to Town Board -  
Letter of intent to retire on January 30, 2010. DISPOSITION = Received & Filed
22. Suzanne M. Blank to Town Board -  
Request leave of absence from position as Clerk Typist for one year to accept position of Deputy Town Clerk. DISPOSITION = Received & Filed
23. Time Warner Cable to Supervisor -  
Update on developments regarding cable television service. DISPOSITION = Received & Filed
24. Darlene Humphrey to Town Board -  
Request appointment to Zoning Board of Appeals. DISPOSITION = For Resolution
25. General Crew Chief to Council Member Ronald Ruffino -  
Request resolution to advertise for bids for Town's Tree Planting Program for 2010. DISPOSITION = Resolution 1/19/10
26. Lancaster Rural Cemetery Association to Town Board -  
Letter of appreciation for financial assistance during 2009. DISPOSITION = Received & Filed
27. Town Clerk to Town Board -  
Notification of retirement of Maryann Perrello as Deputy Town Clerk and request appointment of Suzanne M. Blank to position of Deputy Town Clerk. DISPOSITION = Resolution 1/19/10
28. Erie County Department of Planning and Environment to Town Attorney -  
Notification of Lead Agency Designation regarding rezone petition for 4014 and 4018 Walden Avenue; comments noted. DISPOSITION = Planning Committee
29. Erie County Department of Planning and Environment to Town Board -  
Notification of Lead Agency Designation regarding rezone petition for Pavement Road, north of proposed senior citizen apartments; comments and concerns noted. DISPOSITION = Planning Committee
30. Town Clerk to Town Board -  
Monthly report for December 2009. DISPOSITION = Received & Filed
31. Erie County Department of Public Works to Town Attorney -  
Comments from the Department of Public Works and Department of Sewer Management regarding preliminary plot plan for Deer Run Estates Subdivision, south of William Street, west side of Lake Avenue. DISPOSITION = Planning Committee
32. Wm. Schutt & Associates, P.C. to Town Board -  
Recommend acceptance of public improvement in Windsor Ridge South Subdivision, Phase 1B, namely Permit #652 Sidewalks. DISPOSITION = Resolution 1/19/10
33. Highway Superintendent to Town Clerk -  
Request resolution to hire part-time seasonal employee to perform a records inventory. DISPOSITION = For Resolution
34. Village of Lancaster to Town Board -  
Minutes of meeting held December 28, 2009. DISPOSITION = Received & Filed
35. NYS DEC to Planning Board Chairman -  
Comments regarding revised preliminary plat plan for Deer Run Estates Subdivision, south of William Street, west side of Lake Avenue. DISPOSITION = Received & Filed

36. LIDA Consultant to LIDA Chairman -  
Lancaster Industrial Development Agency annual report for 2009. DISPOSITION = Received & Filed
37. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -  
Minutes of meeting held January 6, 2010. DISPOSITION = Received & Filed
38. Planning Board to Town Board -  
Notice of tabling to January 20, 2010 meeting regarding preliminary plat plan review of Deer Run Estates Subdivision, south of William Street, west side of Lake Avenue.  
DISPOSITION = Received & Filed
39. Executive Director, Youth Bureau to Supervisor -  
Request appointment of certain individuals to the Youth Board. DISPOSITION = Resolution 1/19/10
40. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk -  
Notice of SEQR meeting to be held Tuesday, January 19, 2010, 6:30 PM regarding site plan for Police/Court Building, 3949 Walden Avenue. DISPOSITION = Received & Filed
41. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held Tuesday, January 19, 2010, 6:30 PM regarding site plan for Police/Court Building, 3949 Walden Avenue. DISPOSITION = Received & Filed
42. Supervisor to Town Clerk -  
Transmittal of letter from Andrew Gill tendering his resignation as police officer effective January 13, 2010. DISPOSITION = Received & Filed, Resolution 1/19/10
43. Highway Superintendent to Town Board -  
Request authorization to attend NYS Association of Towns Annual Meeting and Training School, February 14-17, 2010. DISPOSITION = For Resolution
44. Commissioner Kathy Konst, Erie County to Supervisor -  
Notice of approval for funding through the Erie County Consortium Community Development Block Grant Program for improvements to the Senior Center.  
DISPOSITION = Received & Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED,** the meeting was adjourned at 8:35 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk